

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 26, 2008**

**DIVISION ONE**

B197925	People v. Ian D.	(Not for Publication)
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For the reasons stated, the disposition order dated March 20, 2007 is reversed and the cause is remanded with directions to the juvenile court to conduct an in camera hearing on Ian's *Pitchess* motion consistent with this opinion. If the hearing reveals no discoverable information in the arresting police officers' personnel files that would lead to admissible evidence helpful to Ian's defense, then the trial court shall reinstate the original disposition, modified by deleting the declaration that the maximum period of confinement is three years, which, as modified, shall stand affirmed. If the in camera hearing reveals discoverable information bearing on the officers' character or conduct which could lead to admissible evidence helpful to Ian in defense of the charge in the section 602 petition, then the juvenile court shall grant the requested discovery, allow Ian an opportunity to demonstrate prejudice, and order a new adjudication hearing if prejudice is demonstrated.

Rothschild, Acting P.J.

We concur: Rothschild, Acting P.J.  
Weisberg, J. (Assigned)

DIVISION TWO

B200275      People      (Not for Publication)  
v.  
Hurtado, et al.

The judgments are affirmed. On remand, the trial court is directed to correct Hurtado's abstract of judgment to conform to the trial court's oral pronouncement of judgment in the following particulars: (1) in connection with count 3, add that the 20-year firearm enhancement in section 12022.53, subdivision (c) was imposed, and the 10-year firearm enhancement in section 12022.53, subdivision (b) and one-year firearm enhancement in section 12022, subdivision (a)(1) were imposed and stayed, (2) in connection with counts 1 and 2, add that the 10-year firearm enhancement in section 12022.53, subdivision (b) was imposed and stayed and reflect that the one-year firearm enhancement imposed under section 12022, subdivision (a)(1) was stayed, (3) in connection with counts 1 through 3, add that the life terms were imposed consecutively, (4) in connection with counts 6 through 8, change the time imposed from zero to two years on each count and delete that they were imposed consecutively, (5) in connection with counts 9 and 10, change the time imposed from eight months to two years on each count, reflect that the sentences were stayed, and delete that they were imposed consecutively, and (6) in connection with counts 11 and 12, change the time imposed from zero to eight months on each count, and delete the notation that they were stayed.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

## DIVISION TWO (continued)\

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Chavez, J.

B205871 People (Not for Publication)  
v.  
Johnson

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

B205848 People v. Burig (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (continued)

B204875      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Yolanda G.

The orders terminating parental rights are affirmed.

Doi Todd, Acting P.J.

We concur:    Ashmann-Gerst, J.  
                  Chavez, J.

B199258      Lee      (Not for Publication)  
v.  
Elghanayan

The order granting the anti-SLAPP motion is affirmed. Respondent is entitled to his costs on appeal.

Doi Todd, Acting P.J.

We concur:    Ashmann-Gerst, J.  
                  Chavez, J.

B192837      Butler      (Not for Publication)  
v.  
Mayas

The judgment is affirmed. Butler is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur:    Doi Todd, Acting P.J.  
                  Chavez, J.

DIVISION THREE

B195702 People (Not for Publication)  
v.  
Webb

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B193553 People (Not for Publication)  
v.  
Oganyan

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B191606      Miracle Star Women's Recovering Community      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Patrick Ogawa, et al., r.p.i.)

The petition is denied. Costs are awarded to County of Los Angeles.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

August 26, 2008 (Continued)

DIVISION FOUR

B198406 People (Not for Publication)  
v.  
Fowlkes

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

B202545      Holcomb      (Not for Publication)  
v.  
UPP Entertainment Marketing, Inc.

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

DIVISION FIVE

B207848      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Tonisha R.

The judgment is reversed. Remittitur to issue forthwith.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

DIVISION FIVE (continued)

B202077      People      (Not for Publication)

v.  
Randall W.

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
Mosk, J.

B205163      Los Angeles County, D.C.S.      (Not for Publication)

v.  
M.B. and D.C.,

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
Kriegler, J.

B199248      People      (Not for Publication)

v.  
Avetis Koshkaryan

A court security fee of \$20 is imposed on counts 2, 4,5,7, 8,9 and 10 pursuant to section 1465.8, subdivision (a) (1). The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur:    Turner, P.J.  
Mosk, J.

## DIVISION FIVE (continued)

B203621      People      (Not for Publication)

V.

Filberto Quintero

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Kriegler, J.

B197343 State of California ex rel.Dennis Dockstader (Not for Publication)

V.

S.J. Amoroso Construction CO. Inc., et al.

The judgment is affirmed. Respondents HMC Corporation and Emerald Development Company, Inc. are awarded their costs on appeal against appellant Dennis Dockstader. Dennis Dockstader and S.J. Amoroso Construction Co., Inc. are to bear their own costs on appeal.

Kriegler, J.

I concur:       Turner, P.J.

I concur and dissent: Mosk, J.

B203788 People

V.

Luis Garcia

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION SIX

B192800 People (Not for Publication)  
v.  
Thomas

The judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

[illegible]

The judgment (order revoking probation) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B194356      Kandel, etc., et al.      (Not for Publication)  
v.  
City of Thousand Oaks et al.,

We affirm the grants of summary judgment in favor of respondent City and respondent Urquhart. The City and Urquhart are each awarded their costs on appeal.

Coffee, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

## DIVISION SIX (continued)

[illegible]

We conditionally reverse the judgment and remand the matter with the following directions: (1) the trial court shall hold a hearing to allow appellant the opportunity to discharge retained counsel or apply for the appointment of counsel upon an adequate showing of indigence; (2) if newly retained or appointed counsel determines there is a basis for moving to withdraw appellant's plea, the court shall consider and decide that motion; (3) if counsel does not make such a motion, or the motion is denied, the trial court shall reinstate the original judgment and sentence which shall stand affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B198516 People (Not for Publication)  
v.  
Cienfuegos

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

## DIVISION SIX (continued)

B196585 People (Not for Publication)

V.

Madden

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B203596 People (Not for Publication)

V.

Ibarra

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B197452 People

V.

Rivas

Filed order denying petition for rehearing.

## DIVISION SEVEN

[illegible]

The order under review is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B200421 People (Not for Publication)  
v.  
McPherson

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B202177 Bow Tile Corp. (Not for Publication)  
v.  
Gangi Builders, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

DIVISION SEVEN (continued)

B203656      In re Gracie A., a Minor                      (Not for Publication)  
Los Angeles County, D.C.S.  
v.  
Jorge R. and Veronica R.

The juvenile court's orders are affirmed.

Woods, J.

We concur:   Perluss, P.J.  
                  Zelon, J.

B200079      Kim    (Not for Publication)  
v.  
IAC/Interactive Corp. et al.

The judgment is affirmed. Respondents are to recover costs on appeal to include an award of attorney's fees on appeal in the amount to be determined by the superior court on remand. (*Rosenauro v. Scherer* (2001) 88 Cal.App4th 260, 287.)

Woods, J.

We concur:   Perluss, P.J.  
                  Zelon, J.

B205439      Los Angeles County, D.C F.S. (Not for Publication)  
v.  
Angela G.

The judgment of the juvenile court terminating the parental rights of Angela G. is affirmed.

Perluss, P.J.

We concur:   Woods, J.  
                  Zelon, J.

DIVISION SEVEN (continued)

B199592      Schimmel                      (Not for Publication)  
                 v.  
                 Fire Insurance Exchange

The judgment is affirmed. Fire Insurance Exchange is to recover its costs on appeal.

Perluss, P.J.

We concur:   Woods, J.  
                  Zelon, J.

B196235      Lee et al.,                      (Not for Publication)  
                 v.  
                 Dynamex, Inc., et al.,

The orders of the trial court denying Lee's motion to compel motion for class certification are reversed. The cause is remanded with directions to the trial court to issue a new order compelling Dynamex to provide the requested discovery, as set forth in this opinion, and thereafter to permit the parties to submit supplemental materials before conducting a new class certification hearing. Lee is to recover his costs on appeal.

Perluss, P.J.

We concur:   Woods, J.  
                  Zelon, J.

B193719      People                              (Not for Publication)  
                 v.  
                 Ward

The judgment is affirmed.

Perluss, P.J.

We concur:   Woods, J.  
                  Zelon, J.

August 26, 2008 (Continued)

DIVISION EIGHT

Court convened at 9:14 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Bigelow, J. and Connie Hon, Deputy Clerk.

Each of the following:

B173051 People v. Lowry  
B203192 In re Yovvana S. et al.  
B201719 People v. Powell  
B200657 People v. Gonzalez  
B199017 People v. Cummings  
B200422 People v. Standford  
B199554 People v. arasheben  
B205258 DCFS v. Priscilla M.  
B206179 People v. Shanklin  
B208017 Joshua L. v. SCLA (DCFS)  
B205377 In re Enrique M. et al.  
B198097 People v. Nova  
B196169 People v. Miller  
B205526 People v. Morales  
B205203 In re Evelia C.; DCFS v. Lucille C.  
B200662 McGrath v. Associated Ready Mixed Concrete, Inc.  
B199164 People v. Morman  
B201345 DCFS v. Kathleen C.  
B199918 People v. Lewis

Argument waived, cause submitted.

B194333     People  
              v.  
              Neufer

Matter is continued to September 30, 2008.

B199591     Wang  
              v.  
              King Drew Medical Center

Matter is continued to October 1, 2008.

DIVISION EIGHT (continued)

B197830     DiMartino,  
               v.  
               Burr,

Merits:

Argued by Darryl O. Dickey for appellant and by Marshall C. Sanders for respondent. Cause submitted.

B190294     Rogari et al.,  
               v.  
               Goldsberry et al.,

Merits:

Argued by Ralph Rogari for appellants and by Adrienne M. Byers, Deputy County Counsel for respondents. Cause submitted.

B203094     Hawkins, III,  
               v.  
               Cecil Hotel,

Merits:

Argued by Thomas Hawkins, III, in propria persona for appellant and by Kimberly M. Amick for respondent. Cause submitted.

Rubin, J., left the bench.

B203097     Hernandez et al.,  
               v.  
               County Of Los Angeles et al.;  
               League of Women Voters of Los Angeles

Merits:

Argued by Eric Grant for appellant, by Valerie L. Flores, Deputy City Attorney for respondents and by Stephen J. Kaufman for Amicus Curiae for Respondents. Cause submitted.

Court recessed.

DIVISION EIGHT(continued)

Court reconvened at 1:09 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Bigelow, J. and Connie Hon, Deputy Clerk.

B200549      McCullough, Jr.,  
                         v.  
                         Lopez

Merits:  
Argued by Robert S. Scuderi for appellant and by Lauriann Wright for

B196516      People  
                         v.  
                         Conners

Merits:  
Argued by Roberta Simon for appellant and respondent waived oral  
argument. Cause submitted.

B200659      Finnerty,  
                         v.  
                         Board of Registered Nursing,

Merits:  
Argued by Phyllis Gallagher for appellant and by Marc D. Greenbaum,  
Deputy Attorney General for respondent. Cause submitted.

Cooper, P.J., left the bench.

B198813      Gregg Management,  
                         v.  
                         Ernest Payne et al.

Merits:  
Argued by Gary L. Holmes for appellant and by Thomas Dan Hogue for  
respondents. Cause submitted.

Court adjourned.

August 26, 2008 (Continued)

## DIVISION EIGHT (continued)

B200412 People (Not for Publication)  
v.  
Steven Hall

The judgment is affirmed

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B194973      The Education Resources Institute, Inc., (Not for Publication)  
v.  
Christine Yokoyama

The judgment is affirmed. Respondent shall recover its costs on appeal.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.

B199751      Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
Joyce C.  
In re Gimaggio F. et al., Persons Coming Under the Juvenile Court Law.

The orders of the juvenile court are affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.